

MEMORANDUM

Agenda Item No. 10(A)(13)

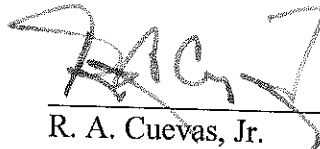
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: August 23, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution calling a special
election for the purpose of
submitting to the electors the
question of whether to amend
the Home Rule Charter to create
a Charter Review Task Force

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(13)

8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO CREATE A CHARTER REVIEW TASK FORCE

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with a General Election on Tuesday, November 6, 2012, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will

close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

CHARTER AMENDMENT
RELATING TO CHARTER REVIEW TASK FORCE

SHALL THE CHARTER BE AMENDED TO MANDATE
CONVENING, COMMENCING JUNE 1, 2013, A CHARTER
REVIEW TASK FORCE AT LEAST ONCE EVERY EIGHT
YEARS TO RECOMMEND AMENDMENTS TO THE
CHARTER AND TO REQUIRE RECOMMENDATIONS
APPROVED BY A 2/3 MAJORITY OF THE TASK FORCE
BE PLACED ON THE GENERAL ELECTION BALLOT
FOR APPROVAL BY THE ELECTORATE?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the

provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

By: _____
Deputy Clerk

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MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-9¹

GENERAL PROVISIONS

* * *

Section 9.08. ~~[[REVISIONS]]~~ CHARTER REVIEW TASK FORCE

~~[[At least once in every 5 year period the Board shall review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter.]] >>Commencing June 1, 2013 and at least every eight (8) years thereafter, the Board shall convene a Charter Review Task Force consisting of twenty (20) members, thirteen (13) of which shall be appointed by each County Commissioner, one (1) by the Mayor of Miami-Dade County, four (4) by each of the four largest cities in Miami-Dade County, and two (2) by the League of Cities to represent smaller cities in Miami-Dade County. Appointments shall be made by submission of a memorandum to the Clerk of the Board of Miami-Dade County by each official or entity authorized to make such appointment. The Chairperson of the Task Force shall be selected by the members of the Task Force. The Charter Review Task Force shall reflect racial, ethnic, and gender balance and diversity. The Charter Review Task Force shall recommend to the Board of County Commissioners any amendments to the Charter the Task Force determines are necessary. The Task Force shall file its written recommendations with the Clerk of the Board, which shall place same on the agenda of the next regularly scheduled meeting of the Board without the need for committee review. The Task force shall complete its review and prepare its report with sufficient time to place any recommended changes to the Charter on the General Election ballot. The Board shall consider the Task Force recommendations and the Board shall place on the General Election ballot any proposals approved by a two-thirds vote of the Charter Review Task Force members.<< [[The]] >>Any proposal<< [[proposed revision]] >>that is approved by a simple majority vote of the Charter Review Task Force members present<< shall then be~~

¹Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

presented to the Board for review, modification and approval~~[[. If the Board]]~~ >>and if<< approve~~[[s]]~~>>d<< ~~[[such proposed revision, either with or without modification, it]]~~ shall >>be<< present>>ed<< ~~[[such proposed revision]]~~ to the electorate >>at the General Election<<~~[[in accordance with the provisions of Section 9.07(C) and (D)]]~~. Simultaneous elections may be held on a proposed revision and on individual amendments that are proposed. >> The result of all elections on any proposed amendment or revision shall be determined by a majority of electors voting on the amendment or revision.<<